

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

CHRISTOPHER KIBODEAUX,

Plaintiff,

v.

Case No. 6:21-cv-1969-RBD-DCI

RYAN ZIKA; DAVID STRONG;  
JOSHUA MONTEMAYOR; and  
MICHAEL D. LUGO,

Defendants.

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**ORDER**

Plaintiff, proceeding *pro se*, filed a Complaint (Doc. 1) and a Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2 ("Motion")). Upon referral, U.S. Magistrate Judge Daniel C. Irick entered a Report & Recommendation (Doc. 4 ("R&R")) submitting that the Motion be denied and the Complaint be dismissed with leave to amend because it failed to state a proper claim. Plaintiff did not object and the deadline has passed, so the Court examines the R&R for clear error only. *See Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is due to be adopted, Motion denied, and Complaint dismissed.

The Court notes that after the R&R was entered, Plaintiff filed an Amended Complaint (Doc. 7). In light of this Order, Plaintiff must either pay the required filing fee or file a new motion for leave to proceed *in forma pauperis*, or the

Amended Complaint will be dismissed as well.

Accordingly, it is **ORDERED AND ADJUDGED**:

1. The R&R (Doc. 4) is **ADOPTED, CONFIRMED**, and made a part of this Order in its entirety.
2. Plaintiff's Motion (Doc. 2) is **DENIED**.
3. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
4. By **Tuesday, December 28, 2021**, Plaintiff is **DIRECTED** to pay the required filing fee or file a new motion for leave to proceed *in forma pauperis* in conjunction with the Amended Complaint (Doc. 7). Failure to do so may result in this action being closed without further notice.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on December 23, 2021.



  
ROY B. DALTON JR.  
United States District Judge

Copies:  
*Pro se* Plaintiff Christopher Kibodeaux